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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-1024

SIXTY-SEVENTH MINNESOTA STATE SENATE,
*Appellant-Intervenor,*

vs.

RICHARD A. BEENS, PHILLIP KRASS, and LAWRENCE E. MEUWISSEN,
*Appellees,*

ARLEN ERDAHL, GEORGE B. HICKEY, CHARLES LeFEBVRE, JOSEPH W. NOTERMAN, and WILLIAM J. SCHNEIDER,
*Appellees,*

ROLLIN H. CRAWFORD, JAMES M. KING, and ROBERT C. VOSS,
*Appellees-Intervenors.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

## JURISDICTIONAL STATEMENT

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SIXTY-SEVENTH MINNESOTA STATE SENATE,

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vs.

RICHARD A. BEENS, PHILLIP KRASS, and LAWRENCE E. MEUWISSEN,

*Appellees,*

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---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

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## JURISDICTIONAL STATEMENT

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## Introduction

Appellant, the Sixty-seventh Minnesota State Senate, brings this direct appeal from the findings and order entered November 15, 1971, by a statutory three-judge United States District Court for the District of Minnesota. The findings and order appealed contained a declaration and finding that Minnesota Statutes 1969, §§ 2.021-2.712, violated the equal protection clause of the Fourteenth Amendment to the United States Constitution. Further, the Court enjoined Minnesota's Secretary of State and the county auditors of the State of Minnesota from conducting any future elections for membership in the Minnesota State Legislature pursuant to the statutes declared invalid. On December 3, 1971, the District Court issued an order announcing its determination to reduce significantly the number of legislative districts. Appellant submits this Statement to show that this is a direct appeal over which this Court has jurisdiction, and that the appeal presents important and substantial federal questions which merit plenary review.

## Citation to Opinions Below

The findings and order of November 15, 1971 and the order of December 3, 1971, issued by the District Court for the District of Minnesota are not as yet reported. They are set out in the Appendix, *infra*., at pp. A-3, A-6.

## Jurisdiction

(i) This is a legislative apportionment case. Appellees (the original plaintiffs below) Richard A. Beens, Phillip Krass, and Lawrence E. Meuwissen, brought this action in

the District Court for the District of Minnesota pursuant to 42 U.S.C. §§ 1983 and 1988, and 28 U.S.C. §§ 1343 (3) and 1343 (4). Plaintiff-appellees sought, among other things, to enjoin the application of Minnesota Statutes 1969, § 2.031, as violative of the Fourteenth Amendment to the United States Constitution. A statutory three-judge United States District Court was requested and convened pursuant to 28 U.S.C. § 2281. Appellant, the Sixty-seventh Minnesota State Senate, intervened as a party defendant pursuant to Rule 24(a) of the Federal Rules of Civil Procedure.

(ii) This is an appeal from the order of the three-judge District Court, entered on November 15, 1971, enjoining the application of Minnesota Statutes 1969, § 2.031 to future legislative election (App. at A-3). Of necessity, if the application of Minnesota Statutes 1969, § 2.031, prescribing the number of legislative districts, was erroneously declared violative of the Fourteenth Amendment and enjoined, the District Court lacked jurisdiction to issue its order of December 3, 1971, announcing its intent to reduce significantly the number of legislative districts (App. at A-6). The District Court denied the motion of appellant for amended findings of fact and conclusions of law on December 21, 1971. On December 13, 1971, appellant filed with the District Court for the District of Minnesota a notice of appeal to this Court (App. at A-1).

(iii) Jurisdiction of this Court to review by direct appeal an order of a three-judge District Court granting a permanent injuncton is conferred by 28 U.S.C. § 1253.

(iv) Cases which sustain the jurisdiction of this Court are: *Ely v. Klahr*, 403 U.S. 108 (1971); *Perez v. Ledesma*, 401 U.S. 82 (1971); *Swann v. Adams*, 385 U.S. 440 (1967); *Reynolds v. Sims*, 377 U.S. 533 (1964).

## Statutes Involved

Minnesota Statutes 1969, § 2.031, subd. 1 provides:

> The representatives in the senate and house of representatives are apportioned throughout the state in 67 legislative districts.

The remaining Minnesota statutory provisions pertaining to legislative apportionment which were also declared unconstitutional and made the subject of injunctive relief are set out in the Appendix, *infra.*, at p. A-15.

## Question Presented

Whether the three-judge District Court erred in enjoining the application, in future legislative elections, of Minnesota Statutes 1969, § 2.031, which prescribes the number of legislative districts, as violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution and, as a direct consequence thereof, mandating a significant reduction in the number of legislative districts.

## Statement of the Case

Appellees, Richard A. Beens, Phillip Krass and Lawrence E. Meuwissen, residents and qualified voters, instituted this action in the District Court for the District of Minnesota pursuant to 42 U.S.C. §§ 1983 and 1988, and 28 U.S.C. §§ 1343 (3) and 1343 (4) for the following relief: (1) a declaratory judgment that Minnesota Statutes 1969, §§ 2.021-2.712, violated the equal protection clause of the Fourteenth Amendment to the United States Constitution; (2) an injunction prohibiting the Minnesota Secretary of State and all county

auditors of the State of Minnesota from conducting any future elections for membership in the Minnesota State Legislature pursuant to Minnesota Statutes 1969, §§ 2.021-2.712; (3) in the absence of the enactment of a constitutionally valid legislative apportionment plan by the Minnesota Legislature, a plan of legislative apportionment promulgated by the District Court. A three-judge United States District Court was convened pursuant to 28 U.S.C. § 2281. Appellant, the Sixty-seventh Minnesota State Senate, intervened as a party defendant pursuant to Rule 24(a) of the Federal Rules of Civil Procedure. Appellees Rollin H. Crawford, James M. King, and Robert C. Voss intervened as parties plaintiff pursuant to Rule 24(a) of the Federal Rules of Civil Procedure.

On November 15, 1971, the District Court declared Minnesota Statutes 1969, §§ 2.021-2.712 violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution and ordered the Secretary of State of the State of Minnesota and all county auditors thereof enjoined from conducting any future legislative elections pursuant to the statutes declared unconstitutional (App. at A-3).

Subsequently, on December 3, 1971, the District Court announced its fixed intent to promulgate a plan of legislative apportionment employing 35 legislative districts. The parties were permitted to submit proposed legislative apportionment plans for the consideration of the Court. It is significant that the Court itself initiated consideration of the subject of the number of legislative districts. All parties, including the original plaintiffs, forcefully opposed a reduction in the number of legislative districts in both written briefs and oral argument. The parties unanimously asserted that the District Court, acting on its own motion, lacked jurisdiction to reduce the number of legislative districts.

Pursuant to Minnesota Statutes 1969, § 2.031, declared unconstitutional and made the subject of a permanent injunction, the members of the State Senate and the House of Representatives were apportioned throughout the state in 67 legislative districts. Though not expressly termed an injunction, the order of December 3, 1971, significantly reducing the number of legislative districts, is tantamount thereto, since it prohibits the submission of legislative apportionment plans providing for any other number of state senators and representatives. If the District Court erred in declaring Minnesota Statutes 1969, § 2.031 unconstitutional and enjoining its application, it follows as a necessary consequence that the order of December 3, 1971, significantly reducing the number of legislative districts is void as exceeding the jurisdiction of the District Court.

On December 13, 1971, appellant moved the District Court for amended findings of fact and conclusions of law and for modification of both the permanent injunction issued on November 15, 1971 and the order of December 3, 1971 significantly reducing the number of legislative districts. Appellant contended that Minnesota Statutes 1969, § 2.031, prescribing the number of legislative districts, raised no constitutional question, was severable from those provisions which allocate senators and representatives among described districts, pursuant to Minnesota Statutes 1969, § 645.20, and, hence, the District Court improperly enjoined its application. On December 23, 1971 the District Court issued an order denying the motion (App. at A-13).

Appellant brings this appeal to review the scope of the injunctive relief granted and the supplementary order of December 3, 1971, significantly reducing the numbers of legislative districts, issued as a direct consequence of the broad injunction granted.

## The Questions Are Substantial

This appeal presents a question fundamental to the constitutional doctrine of federalism. The three-judge District Court declared unconstitutional and enjoined the prospective application of Minnesota Statutes 1969, § 2.031, subd. 1 which provides:

> The representatives in the senate and house of representatives are apportioned throughout the state in 67 legislative districts.

As a direct consequence of its declaration and injunction, the District Court ordered a significant reduction in the number of legislative districts. The District Court apparently predicated its action solely on a preference for a significantly smaller State Legislature in contravention of an established state policy. The fundamental question at issue is whether, in an action brought to declare the Minnesota legislative apportionment statutes violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution and to enjoin their future application, wherein no party questioned the basic constitutionality of the number of Minnesota legislative districts, a United States District Court possesses jurisdiction, arbitrarily and without a scintilla of evidence in the record and over the objection of all the parties, to order a significant reduction in the number of legislative districts by enjoining the application of an otherwise unchallenged state statute prescribing the number of legislative districts. A decision by this Court is essential to remedy at the earliest opportunity, such an unprecedented usurpation of state legislative authority.

1. Under the constitutional doctrines of separation of powers and the division of powers between the state and federal

governments, legislative apportionment is primarily a matter within the sole discretion of the Legislature:

> And it [the United States District Court for the Middle District of Alabama] correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so. *Reynolds v. Sims*, 377 U.S. 533, 586 (1964).

See *Ely v. Klahr*, 403 U.S. 108 (1971); *Maryland Committee for Fair Representation v. Tawes*, 377 U.S. 656, 676 (1964); *Wold v. Anderson*, 327 F. Supp. 1343, 1344 (D. Mont. 1971); *Butterworth v. Dempsey*, 237 F. Supp. 302, 308 (D. Conn. 1965); *Herweg v. Thirty-ninth Legislative Assembly of the State of Montana*, 246 F. Supp. 454, 456, 458 (D. Mont. 1965).

The Minnesota Constitution clearly makes legislative apportionment a prerogative of the state legislative process. Article IV, Section 23 of the Minnesota Constitution provides:

> The legislature shall have the power to provide by law for an enumeration of the inhabitants of this state, and also have the power at their first session after each enumeration of the inhabitants of this state made under the authority of the United States, to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

Article IV, Section 2 of the Minnesota Constitution, in relevant part, provides:

> The number of members who compose the Senate and House of Representatives shall be prescribed by law. . . .

This Court has expressly recognized that the prescription of election districts is a matter committed initially to the state legislative process. *Smiley v. Holm*, 285 U.S. 355 (1932).

Judicial intervention in this matter of particular legislative concern is justified only to the limited extent necessary to vindicate demonstrated constitutional rights. *Kilgarin v. Martin*, 252 F. Supp. 404, 446 (D. Tex. 1966). As this Court stated in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 15 (1971), relied upon by the District Court to support its equitable authority to reduce the number of State legislative districts:

> . . . The task is to correct, by a balancing of the individual and collective interests, the condition that offends the Constitution.
>
> In seeking to define even in broad and general terms how far this remedial power extends, it is important to remember that judicial powers may be exercised only on the basis of a Constitutional violation. Remedial judicial authority does not put judges automatically in the shoes of . . . authorities whose powers are plenary. Judicial authority enters only when local authority defaults.

A court may not utilize the occasion to implement a particular political philosophy, no matter how sincerely held, in derogation of legislative authority and recognized state apportionment policy.

2. The jurisdiction of the District Court is predicated solely on the ground that the state statutes prescribing the legislative districts, Minnesota Statutes 1969, § 2.041-2.712, violate the equal protection clause of the Fourteenth Amend-

ment to the United States Constitution. This Court has consistently held that a system of legislative apportionment which dilutes the voting strength of portions of the electorate and augments the voting strength of other portions of the electorate as a consequence of population variances between the legislative districts is violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution. *Whitcomb v. Chavis*, 403 U.S. 124, 141 (1971); *Wells v. Rockefeller*, 394 U.S. 542 (1969); *Reynolds v. Sims*, 377 U.S. 533 (1964). Hence, the sole constitutional issue for determination by the District Court in the present context was whether the legislative districts prescribed by state statute contained substantially equal populations. *Reynolds v. Sims*, 377 U.S. 533, 579 (1964). The District Court, however, refused to accept the limited concept of the proper scope of constitutional inquiry articulated in the decisions of this Court and declared unconstitutional and enjoined the application of Minnesota Statutes 1969, § 2.031, which embodies a public policy of more than fifty years duration that, for purposes of legislative apportionment, the state be divided into 67 legislative districts. Certainly, not even the broadest reading of the decisions of this Court relating to legislative reapportionment sanction such a calculated disregard for state apportionment policy.

3. Absent proof of invidious discrimination or substantial population disparities between legislative districts, legislative apportonment policy is entirely a matter of state interest beyond the jurisdiction of the federal courts. *Whitcomb v. Chavis*, 403 U.S. 124, 161 (1971); *Reynolds v. Sims*, 377 U.S. 533, 579 (1964); *Connor v. Johnson*, 330 F. Supp. 506, 507 (S.D. Miss. 1971). More particularly, the number of legisla-

tive districts provided for by state law raises no constitutional question of equal protection under the Fourteenth Amendment to the United States Constitution cognizable by the federal judiciary unless the number of districts so prescribed, or constitutional or statutory limitations on the method of apportionment, render significant population deviations between legislative districts unavoidable.

This Court, in recognition of such a fundamental premise, has stated without equivocation:

> Determining the size of its legislative bodies is of course a matter within the discretion of each individual state. Nothing in this opinion should be read as indicating that there are any federal constitutional maximums or minimums on the size of state legislative bodies. *Reynolds v. Sims*, 377 U.S. 533, 581, n. 63 (1964).

A three-judge District Court for the Southern District of Mississippi has also articulated the constitutional concept that the number of legislative districts prescribed by law is a matter of state concern without federal constitutional implications. *Connor v. Johnson*, 330 F. Supp. 506, 507 (S.D. Miss. 1971).

Since the number of legislative districts prescribed by state law is entirely a matter of state interest without federal constitutional implications, the District Court lacked jurisdiction to arbitrarily and capriciously brush aside the controlling determination of state apportionment policy that the State of Minnesota be divided into 67 legislative districts, unless it could be demonstrated that such a policy rendered substantial population deviations between legislative districts unavoidable:

When a state exercises power wholly within the domain of state interest, it is insulated from federal judicial review. *Gomillion v. Lightfoot*, 364 U.S. 339, 347 (1960). The record is barren of any fact even remotely tending to support such a conclusion.

The population of the State of Minnesota on April 1, 1970 was 3,805,069. *The United States Bureau of the Census, Pub. No. PC-(V-1)-25.* It is self-evident that the public policy embodied in Minnesota Statutes 1969, § 2.031, subd. 1, apportioning the representatives in the State Senate and House of Representatives among 67 legislative districts, may be accomplished on the basis of substantial population equality between legislative districts.

4. The only conceivable basis on which the District Court could have declared unconstitutional and enjoined the application of Minnesota Statutes 1969, § 2.031 was that the section was so connected with the statutes prescribing legislative districts, Minnesota Statutes 1969, §§ 2.041-2.712, that it lacked independent significance. Clearly, even this tenuous justification does not bear close scrutiny. Minnesota Statutes 1969, § 2.031 is declarative of a state policy of more than 50 years standing that the representatives in the Senate and House of Representatives be apportioned throughout the state in 67 legislative districts, irrespective of the configuration of the districts prescribed by law. Laws 1913, Chapter 91; Laws 1917, Chapter 217; Extra Session Laws 1959, Chapter 45; Extra Session Laws 1966, Chapter 1. Hence, Minnesota Statutes 1969, § 2.031, prescribing the number of legislative districts, possesses meaning independent of the statutes prescribing the configuration of legislative districts.

Moreover, it is clear that Minnesota Statutes 1969, § 2.031 is severable from the statutes which apportion the representa-

tives provided by law among prescribed legislative districts, Minnesota Statutes 1969, §§ 2.041-2.712. Minnesota Statutes 1969, § 645.20 provides:

> Unless there is a provision in the law that the provisions shall not be severable, the provisions of all laws shall be severable. If any provision of a law is found to be unconstitutional, the remaining provisions of the law shall remain valid. . . .

The Minnesota legislative apportionment statutes, Minnesota Statutes 1969, §§ 2.021-2.712, contain no provision stating that the sections thereof should not be severable. That the Minnesota State Legislature intended Minnesota Statutes 1969, § 2.031 to be severable from the sections prescribing the configuration of legislative districts may also be demonstrated by reference to the prior legislative apportionment act, Extra Session Laws 1959, Chapter 45. Extra Session Laws 1959, Chapter 45 contained a provision identical to Minnesota Statutes 1969, 2.031. The last section of Extra Session Laws 1959, Chapter 45, however, provided:

> It is the intent that each provision of sections 1 to 71 *shall not be severable* and that each provision be considered to be essentially and inseparably connected with and dependent upon every other provision. (Emphasis added.)

Extra Session Laws 1966, Chapter 1, Section 71 expressly repealed the quoted nonseverability provision and the current legislative apportionment statutes, Minnesota Statutes 1969, §§ 2.021-2.712, contain no comparable provision.

Since Minnesota Statutes 1969, § 2.031 raises no constitutional question, has independent significance, and is severable from those provisions which prescribe the configuration of legislative districts, Minnesota Statutes 1969, §§ 2.041-2.712,

the District Court erred in declaring Minnesota Statutes 1969, § 2.031 unconstitutional and enjoining its future application. The District Court, evidencing a personal predilection for a significant reduction in the number of legislative districts, invaded an area of exclusive state concern without constitutional justification or authorization for its action.

5. The District Court, having declared Minnesota Statutes 1969, § 2.031 unconstitutional and enjoined its future application, on December 3, 1971, issued an order announcing its fixed intent to promulgate a plan of legislative apportionment dividing the state into 35 equally-populated senatorial districts and dividing each senatorial district into three equally-populated house districts. This order, issued as a direct consequence of the previous order declaring unconstitutional and enjoining the application of Minnesota Statutes 1969, § 2.031 and necessarily dependent thereon, exceeded the jurisdiction of the District Court and constituted an unwarranted substitution of judicial predilection for controlling state apportionment policy. Since 1913 the state has been apportioned into 67 senatorial districts and between 130 and 135 house districts. Laws 1913, Chapter 91; Laws 1917, Chapter 217; Extra Session Laws 1959, Chapter 45; Extra Session Laws 1966, Chapter 1. Minnesota Statutes 1969, § 2.031, erroneously declared unconstitutional and enjoined, clearly mandates 67 senatorial districts in accordance with the controlling state policy first enunciated in 1913. While the number of representative districts is not expressly prescribed, Minnesota Statutes 1969, § 2.021, declarative of state policy, provides:

> For each legislature, until a new apportionment shall have been made, the senate is composed of 67 members and the house of representatives is composed of 135 members.

The District Court declared Minnesota Statutes 1969, § 2.021 violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution on the ground that dividing one senatorial district into three house districts, while all other senatorial districts were divided into two house districts created prohibited population disparities between house districts. Minnesota Statutes 1969, § 2.021 may still be read as declarative of a state policy that the number of representative districts should as nearly approximate the number therein prescribed, 135, as is consonant with the equal protection clause of the Fourteenth Amendment to the United States Constitution. The number of representative districts most closely approximating the number prescribed by Minnesota Statutes 1969, § 2.021 and capable of division on the basis of substantial population equality, as mandated by the due process clause of the Fourteenth Amendment to the United States Constitution, is 134. This number closely approximates the number of representative districts prescribed by law since 1913, is in conformity with Minnesota Statutes 1969, § 2.031, and reflects a considered and controlling state policy binding on the District Court.

The District Court erroneously assumed that its declaration that Minnesota Statutes 1969, § 2.021, which prescribes 135 house districts, violated the equal protection clause of the Fourteenth Amendment to the United States Constitution sanctioned a refashioning of the framework of representative government in the State of Minnesota. The District Court, in ordering a significant reduction in the number of legislative districts, strayed far beyond the exigencies of this particular case and, erroneously covering its mandate with the mantle of the Fourteenth Amendment to the United States Constitution, legislated its own concept of the appropriate number of

legislative districts in derogation of controlling state apportionment policy.

The observation of this Court in *Whitcomb v. Chavis*, 403 U.S. 124, 161 (1971), is particularly applicable in the circumstances of this case:

> The remedial powers of an equity court must be adequate to the task, but they are not unlimited. Here the district court erred in so broadly brushing aside state apportionment policy without solid constitutional or equitable grounds for doing so.

6. Federal courts fashioning state legislative apportionment plans have, in unusual circumstances, altered the number of legislative districts prescribed by the state constitution or statutes. Such action, however, was only undertaken in extreme circumstances when either the apportionment requirements of the applicable state constitution or statutes rendered it impossible to fashion a plan based on population equality without altering the number of legislative districts, or the applicable apportionment provisions of the state constitution or statutes violated the standard of population equality and contained no severable provision, comparable to Minnesota Statutes 1969, § 2.031. These isolated holdings are clearly distinguishable from the authority assumed by the District Court in these proceedings to alter fundamentally the character of legislative representation in the State of Minnesota solely on the basis of judicial predilection.

In *Schaefer v. Thomson*, 251 F. Supp. 450 (D. Wyo. 1965), the District Court promulgated a plan of legislative apportionment which increased the number of senate districts from 25 to 30. It is significant that the parties stipulated to the number prescribed:

> A membership of thirty senators is the constitutional maximum as determined by the present membership in the State House of Representatives. The parties agreed that the composition of the senate should not exceed thirty members. We acquiesce. *Schaefer v. Thomson*, 251 F. Supp. 450, 452 (D. Wyo. 1965).

The District Court increased the number of senate districts to minimize the necessity for dividing counties in the formation of senate districts. The plan of legislative apportionment promulgated by the District Court divided only one county. Hence, the increase in the number of senate districts served, rather than retarded, a state legislative apportionment policy that, to the extent consistent with the equal protection clause of the Fourteenth Amendment to the United States Constitution, each county should comprise a senate district. Wyoming Constitution, Article 3, Section 3.

In *Paulson v. Meier*, 246 F. Supp. D. N.D. (1965), the District Court adopted a plan of legislative apportionment decreasing the number of senate districts from 53 to 49, and decreasing the number of house districts from 106 to 98. The reduction in the number of senate districts, however, was mandated by Article II, Section 26 of the North Dakota Constitution which provides that the senate shall be composed of 49 members. The reduction in the number of house districts accorded with the state apportionment policy that the number of house districts be twice the number of senate districts. Moreover, the plan of legislative apportionment the District Court promulgated resulted not from its own predilection, but had been formulated under the auspices of the Legislative Research Committee, composed of citizens and members of both houses of the Legislature, and adopted by the state senate.

In the instant case, the District Court arbitrarily brushed aside Minnesota apportionment policy and altered fundamentally the character of legislative representation merely on the strength of its preference for a substantially smaller state legislature.

In *Herweg v. 39th Legislative Assembly of Montana*, 246 F. Supp. 454 (D. Mont. 1965), the District Court promulgated a plan of legislative apportionment reducing the number of senate districts from 56 to 55 and increasing the number of house districts from 94 to 104. The District Court utilized a plan of legislative apportionment, first introduced in the state legislature, that best apportioned the state on the basis of population equality as mandated by the equal protection clause of the Fourteenth Amendment to the United States Constitution, and, yet maintained the integrity of county boundaries. The District Court, in adjusting the number of legislative districts, merely attempted to implement state apportionment policy contained in Article VI, Section 3 of the Montana Constitution which prohibited the division of a county in the formation of representative districts. Only by adopting a plan of legislative apportionment which provided for 104 house districts could the District Court achieve substantial population equality between legislative districts and yet avoid the division of counties in the formation of representative districts. As should be apparent, the District Court exercised a very limited discretion merely to achieve population equality.

In *Klahr v. Goddard*, 250 F. Supp. 537 (D. Ariz. 1966), the District Court adopted a plan of legislative apportionment decreasing the number of senators from 31 to 30 and decreasing the number of house members from 80 to 60. *Klahr v. Goddard, supra*, is the sole other instance in which a District Court has disregarded state legislative apportionment policy

and implemented its own judicial predilection relative to the number of legislative districts. No party to the proceedings questioned the right of the District Court to reduce significantly the number of house members; nor was the question appealed to this Court due to the imminence of the legislative elections. The District Court clearly exceeded the proper constraints of judicial discretion enunciated by this Court, and, therefore, the decision should be disregarded. *Whitcomb v. Chavis*, 403 U.S. 124, 161 (1971); *Reynolds v. Sims*, 377 U.S. 533, 581, n. 63 (1964); *Connor v. Johnson*, 330 F. Supp. 506, 507 (S.D. Miss. 1971).

In contra-distinction to *Klahr v. Goddard, supra*, a proper recognition of state legislative apportionment policy is reflected in those decisions in which federal courts have altered the number of members in existing legislatures by adopting the number of legislative districts established in apportionment plans even though declared violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution. *Swann v. Adams*, 263 F. Supp. 225 (D. Fla. 1967); *WMCA, Inc. v. Lomenzo*, 238 F. Supp. 916 (S.D.N.Y. 1965), *aff'd per curiam*, 384 U.S. 4 (1965).

## Conclusion

For the reasons enunciated in this Jurisdictional Statement, this Court should note probable jurisdiction, and set the case down for plenary consideration with briefs on the merits and oral argument.

Respectfully submitted,

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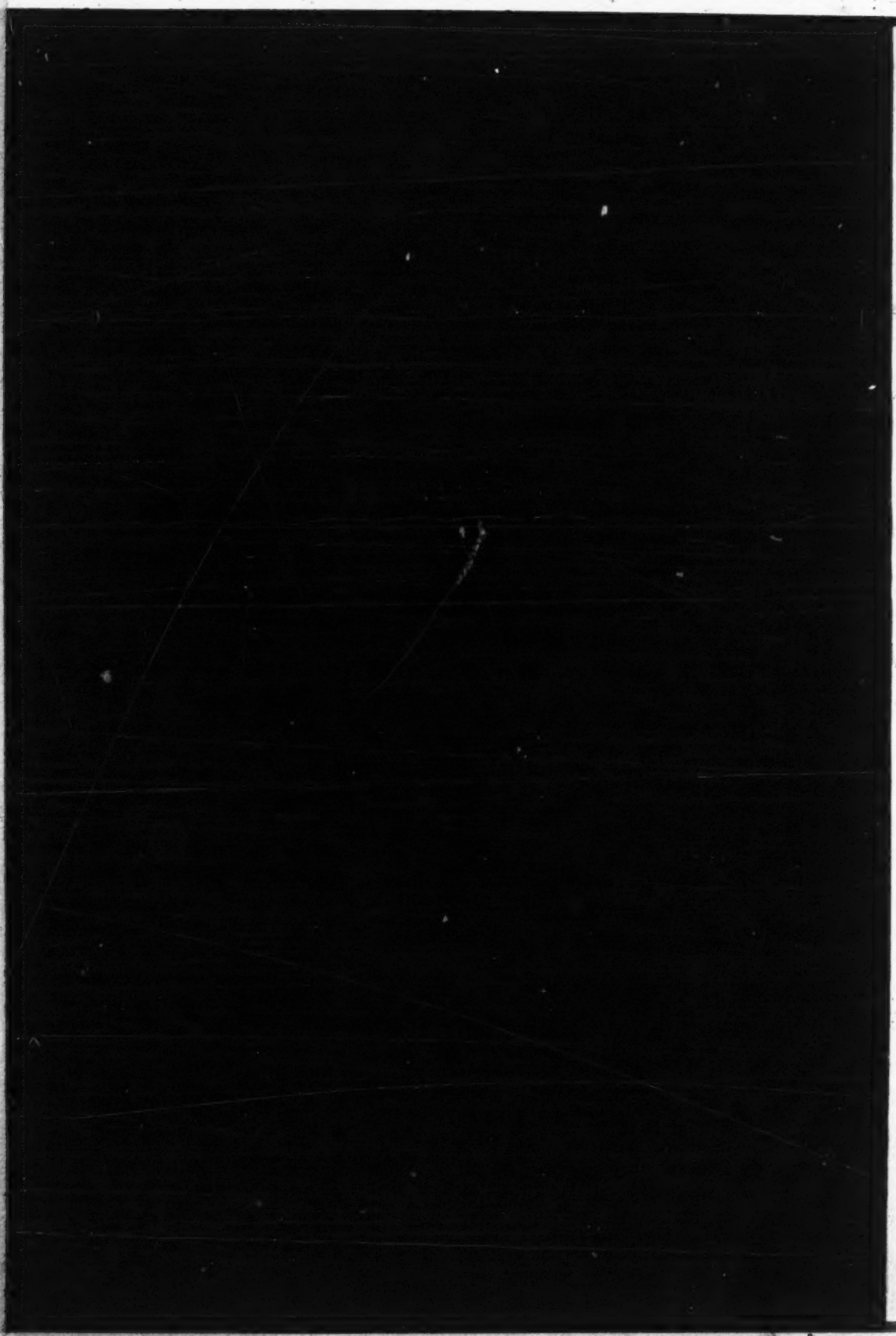

## Notice of Appeal to the Supreme Court of the United States from the United States District Court, Filed December 13, 1971.

**UNITED STATES DISTRICT COURT**
**DISTRICT OF MINNESOTA**
**FOURTH DIVISION**

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**RICHARD A. BEENS, et al,**
**No. 4-71-Civ-151**

***Plaintiffs,***

**vs.**

**ARLEN ERDAHL, Secretary of State of the State of Minnesota, et al,**

***Defendants,***

**THE SIXTY-SEVENTH MINNESOTA STATE SENATE,**

***Intervenor,***

**ROLLIN H. CRAWFORD, et al.,**

***Intervenors.***

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**NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES**

**Notice is hereby given that the Sixty-seventh Minnesota State Senate, the defendant in intervention above named,**

hereby appeals to the Supreme Court of the United States from the injunction issued in this action on November 15, 1971.

This appeal is taken pursuant to 28 U.S.C. § 1253.

Respectfully submitted,

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## Findings and Order of the United States District Court, Granting a Declaratory Judgment, and Issuing a Permanent Injunction, Entered November 15, 1971

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION
No. 4-7-Civ. 151

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RICHARD A. BEENS, et al,
*Plaintiffs,*

vs.

ARLEN ERDAHL, Secretary of State of the State of Minnesota, et al.,
*Defendants,*

THE SIXTY-SEVENTH MINNESOTA STATE SENATE,
*Intervenor,*

ROLLIN H. CRAWFORD, et al,
*Intervenors.*

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### FINDINGS AND ORDER

In light of the submission of pleadings and briefs by all the parties, the hearing held November 5, 1971 before this Court and the filing by the parties of a Stipulation to the relevant statistics, data and computations with respect to the present apportionment of the Minnesota Legislature, the Court makes the following findings:

1. This three-judge Court has proper jurisdiction of the subject matter of this lawsuit. 28 U.S.C. §§1343(3), (4); 42 U.S.C. §1983; 28 U.S.C. §2201, et seq.; 28 U.S.C. §2281; *Swann v. Adams*, 385 U.S. 440 (1967); *Reynolds v. Sims*, 377 U.S. 533 (1964).

2. The present apportionment of the Minnesota Legislature, as set out in Minnesota Statutes 1969 §§2.021 through

2.712, when applied in light of the 1970 Federal Census results has a deviation of 25% or more from the population norm of 56,792 per Senatorial District in 17 of the 67 Senatorial Districts; a deviation of 15% or more in 36 of the 67 Senatorial Districts; the ability of 41.67% of the population of the State of Minnesota to elect a majority of the State Senators; a ratio of 2.49 to 1 between the most populated Senatorial District (District 12-97,760) and the least populated Senatorial District (District 40-39,332); a deviation of 25% or more from the population norm of 28,185 per House District in Districts electing 37 of the 135 members of the State House of Representatives; a deviation of 15% or more in Districts electing 72 of the 135 members of the State House of Representatives; the ability of 40.66% of the population of the State of Minnesota to elect a majority of the members of the State House of Representatives; and a ratio of 3.57 to 1 between the most populated House District (District 12B-60,596) and the least populated House District (District 23A-16,974).

3. The current apportionment of the Minnesota Legislature, giving rise to the disparities enumerated above, clearly fails to meet the standards of the United States Constitution as interpreted by the Supreme Court. See, *e.g.*, *Swann v. Adams*, 385 U.S. 440 (1967); *Davis v. Mann*, 377 U.S. 678 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964). See also, *Whitcomb v. Chavis*, —— U.S. ——, 29 L. Ed. 2d 563, Part VII (June 7, 1971).

4. The Minnesota Legislature adjourned *sine die* on October 30, 1971, and is not scheduled to reconvene until after the 1972 General Elections. Since there is no present reason to believe that the State will enact a new plan of legislative apportionment prior to the 1972 General Elections, this Court finds that it should proceed to adopt an apportionment plan which will pass constitutional muster in time to be implemented in the 1972 General Elections.

Having made the above findings of fact and law, the Court hereby:

*DECLARES:* Minnesota Statutes 1969, §§2.021 through 2.712 to be in violation of the Constitution of the United States.

*ORDERS:* the defendants herein, including Arlen Erdahl, Secretary of State of the State of Minnesota and all County Auditors of the State of Minnesota, enjoined from holding or conducting any future elections under the present Apportionment Statutes.

*ORDERS:* the appointment of Professor Adam C. Breckenridge of Lincoln, Nebraska and Joseph T. Dixon, Jr. of Minneapolis, Minnesota as Special Masters to aid the Court in adopting a new plan of apportionment.

*ORDERS:* the adoption of the following schedule for proceeding with this matter: November 12, 1971—the final day for the parties and amici curiae to submit to the Court suggested criteria to be used by the Court in adopting a new plan of apportionment; the Court will thereafter announce the criteria it will utilize in reapportioning the State on the earliest possible date; December 7, 1971—the final day for the parties and amici curiae to submit to the Court proposals for reapportioning the State, such proposals to be consistent with the criteria previously announced by the Court; December 21, 1971—the final day for the parties and amici curiae to submit to the Court comments concerning the reapportionment proposals of the other parties and amici curiae; six copies of all suggested criteria, plans of reapportionment and comments with respect to other reapportionment proposals shall be provided to the Court and copies of each shall be served on each of the other parties and amici curiae.

November 15, 1971.

EARL R. LARSON
United States District Judge

## Order of the United States District Court Mandating a Significant Reduction in the Number of Legislative Districts, Entered December 3, 1971

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION
4-71-Civil-151

RICHARD A. BEENS, et al,

vs.

ARLEN ERDAHL, et al.

### ORDER

On November 15, 1971, this Court declared the present legislative apportionment statute of Minnesota, M.S.A. §§2.021 through 2.712, to be invalid and in violation of the Constitution of the United States, and enjoined the conduct of future elections thereunder.

On November 26, this Court established the criteria that would be followed by this Court in reapportioning the Legislature, and asked the parties, intervenors and amicus curiae to submit briefs and to argue orally questions relating to the number of Senate and House Districts into which the State should be apportioned. Oral argument was held on December 2, 1971.

NOW THEREFORE, the Court finds that it best can fulfill its duty of apportioning the Minnesota Legislature in accordance with the Constitution of the United States and with due regard for State policy by:

Dividing the State into 35 equally-populated Senatorial Districts having a population norm of 108,713.

Dividing each Senatorial District into three equally-populated House Districts, having a population norm of 36,238, thus providing for a total of 105 House Districts.

It is, therefore, ORDERED that parties, intervenors and amicus curiae may present plans for apportioning the Legislature in accordance with the criteria set forth in the order of November 26 and the order of today, on or before December 27, 1971, and that they may submit comments on the plans of others on or before January 3, 1972.

It is further ORDERED that the motion of the Americans for Democratic Action, insofar as it asks this Court to require staggered terms for senators, is denied.

It is further ORDERED that the motion of the Minnesota Farmers Union for leave to intervene is denied, but that it is given the right to participate in this proceeding as amicus curiae.

Dated: December 3, 1971.

GERALD W. HEANEY
Judge
United States Court of Appeals

EDWARD J. DEVITT
Chief Judge
United States district Court

EARL R. LARSON
Judge
United States District Court

## Memorandum Opinion of the United States District Court in Support of the Order of December 3, 1971

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION
4-71-Civil-151

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RICHARD A. BEENS, et al.

vs.

ARLEN ERDAHL, et al.

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### MEMORANDUM IN SUPPORT OF ORDER

We have the unrequested burden of reapportioning the Minnesota Legislature. It is a task that the legislative and executive branches of the State can relieve us of by apportioning the Legislature in accordance with the United States Constitution. But until the State acts, we must fulfill our responsibility.

We recognize that any plan drawn by us will not meet with universal favor and may meet with rather general disfavor. But the duty is ours, and we will meet it.

We have, in our orders of November 26 and December 3, established criteria which the parties, intervenors and amicus curiae are requested to follow in preparing plans to apportion the Legislature. The criteria are those which we find best suited to permit compliance with the equal protection standards of the United States Constitution and with State policy to the extent that the latter is consistent with the Constitution.

The only serious questions, that are raised with respect to the criteria, are whether we have the authority to change the size of the Legislature; and if so, to what extent. Our answer

is that we must change the size if we are to apportion the State in accordance with the Federal and State Constitutions, and that we have a right to make those changes which are consistent with the Federal Constitution and State policy.

It is well settled that Federal Three-Judge Courts have jurisdiction to decree existing apportionment plans invalid. *Whitcomb v. Chavis*, 403 U.S. 124 (1971); *Reynolds v. Sims*, 377 U.S. 533, 585 (1964). It is equally clear that they have equitable authority to adopt an apportionment plan if the Legislature fails to do so. *Ely v. Klahr*, 403 U.S. 108 (1971); *Whitcomb v. Chavis, supra; Scott v. Germano*, 381 U.S. 407 (1965). And, finally, it is established that they can change the size of the Legislature, in apportioning the State in accordance with federal constitutional requirements.[1] To put it simply:

> "* * * Once a right and a violation have been shown, the scope of a District Court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies."

*Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 15 (1971). See also, *Hecht Co. v. Bowles*, 321 U.S. 321, 329 (1944).

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[1] In the following cases, the federal courts have altered the existing size of a state legislature: *Klahr v. Goddard*, 250 F. Supp. 537 (D. Ariz. 1966) (Senate reduced from 31 to 30, House from 80 to 60); *Herweg v. 39th Legislative Assembly*, 246 F. Supp. 454 (D. Mont. 1965) (Senate reduced from 56 to 55, apparently increased size of House); *Paulson v. Meier*, 246 F. Supp. 36 (D N.D. 1965) (Senate reduced from 53 to 49, House from 113 to 98); *Schaefer v. Thompson*, 240 F. Supp. 247 (D. Wyo. 1964) (Senate increased from 25 to 30). In other cases, federal courts have altered the size of the existing legislatures by adopting a size establised in new apportionment plans which had been voided for violating the Federal or State Constitution. *Swann v. Adams*, 263 F. Supp. 225 (D. Fla. 1967); *WMCA, Inc. v. Lomenzo*, 238 F. Supp. 916 (S.D. N.Y.), *aff'd per curiam*, 384 U.S. 4 (1965). These latter two cases are in accord with our view that if the Minnesota Legislature had passed and the Governor had signed an apportionment plan this past year, principles of federalism would strongly compel us to attempt to follow that current and clear expression of State policy as to the size of the Legislature. Such was not the case.

The Legislature cannot be apportioned into 67 Senate Districts and 135 House Districts without violating either the Federal or State Constitutions.

The practice of the last fifty-four years of dividing one Senatorial District into three House Districts, while all other Senatorial Districts are divided into two House Districts, cannot be continued without violating the equal protection requirements.

The alternative of having one at-large House District would be contrary to the provisions of Article 4, Section 24, of the Minnesota State Constitution, which provides that no representative district shall be divided in the formation of a Senate District. Moreover, this alternative would impose an impossible burden on candidates for the at-large seat.

We thus find that the size of the Legislature must be changed, and we consider federal constitutional requirements and State policy to determine the appropriate size.

(1) The larger the population of each Senate and House District, the more closely can the equal protection (one man-one vote) requirements be met and still give effect to the State policy of adhering to the boundaries of political subdivisions. Conversely, the smaller the population of each district, the greater the likelihood that the deviations will be higher than are acceptable or that artificial boundaries will result.

(2) State policy with respect to the size of the Legislature is difficult to discern. The State Constitution does not fix the size. The size has been changed from time to time in the ap-

portionment process;[2] and when it was last changed in 1966, the size was fixed "until a new apportionment shall have been made." Minnesota Statutes, 1969, §2.021. The 1971 Legislative Apportionment Plan was not approved by the Governor, and thus cannot be taken as a current expression of State policy as to size,[3] particularly as the Governor recommended that the size of the Legislature be reduced in a Special Message to the Legislature[4] and vetoed the Legislative Plan.

(3) There is merit in having an odd-numbered Senate and House, particularly as Minnesota is a state with two strong and rather evenly divided political parties. Furthermore, legislative apportionment plans have, more often than not, provided for an odd-numbered Senate and House.[5]

Considering all factors, we find that federal constitutional and State policy requirements can best be harmonized by having 35 Senate Districts and by dividing each Senate District into three House Districts. By so doing, we can best meet

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[2] The size of the Legislature has been changed ten times since 1857. The changes are as follows:

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| 1857 | 37 | 80 | 117 |
| 1860 | 21 | 42 | 63 |
| 1866 | 22 | 47 | 69 |
| 1871 | 41 | 106 | 147 |
| 1881 | 47 | 103 | 150 |
| 1889 | 54 | 114 | 168 |
| 1897 | 63 | 119 | 182 |
| 1913 | 67 | 130 | 197 |
| 1917 | 67 | 131 | 198 |
| 1959 | 67 | 135 | 202 |
| 1966 | 67 | 135 | 202 |

1957-58 Minnesota Legislative Manual 127; Laws 1913, Ch. 91; Laws 1917, Ch. 217; Laws 1959, Ch. 45; Laws 1966 Extra Session, Ch. 1.

[3] Under Minnesota law, a legislative apportionment act is subject to the Governor's veto. *Duxbury v. Donovan*, 272 Minn. 424, 138 N.W. 2d 692 (1965).

[4] See this Court's Memorandum in Support of Order, November 28, 1972, n. 2.

[5] See n. 2, *supra*.

equality of population standards, prevent overlapping of Senate and House Districts, and retain an odd number of Senate and House Districts.

We recognize that these purposes might also be met by having a Senate of 45 members and a House of 135 members, or a Senate of 33 members and a House of 99 members. But we feel that we can most closely meet all of the requirements by setting the size at the levels we have.

Furthermore, persuasive arguments have been made that positive benefits to the State will accrue by substantially reducing the size of the Senate and moderately reducing the size of the House. Some of these benefits were outlined in our memorandum of November 26, 1971, and need not be repeated here.

Finally, we repeat that it is not our desire to fix for the future the size of the Senate and the House in Minnesota. The Legislature may, if it desires, apportion the State in any manner that it sees fit, consistent with the equal protection clause of the United States Constitution, either before or after the 1972 general elections.

The Court reserves the right to file a more detailed memorandum in support of its order at a later date.

## Order of the United States District Court Denying a Motion for Amended Findings of Fact and Conclusions of Law, Entered December 21, 1971

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION
No. 4-71-Civil 151

RICHARD A. BEENS, et al.,

*Plaintiffs,*

vs.

ARLEN ERDAHL, Secretary of State of the State of Minnesota, et al.,

*Defendants,*

THE SIXTY-SEVENTH MINNESOTA STATE SENATE,

*Intervenor,*

ROLLIN H. CRAWFORD, et al.,

*Intervenors.*

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ORDER

The Sixty-seventh Minnesota State Senate has moved this Court for an Order substantially changing our Findings of December 3, 1971, and our Order of November 15, 1971. In effect, the motion asks us to reconsider our decision to reduce the size of the Minnesota legislature. To the extent that it makes such a request, it is denied. For the reasons set forth in the Memorandum attached to our Order dated December 3, 1971, we feel it is desirable for the various plans for reapportionment which are to be submitted to be based on a thirty-five member Senate and a one hundred and five member House of Representatives.

**In addition, Senate counsel have asked this Court to certify certain questions of law to the United States Supreme Court for their immediate consideration. We know of no procedure whereby a three judge court can certify questions to the Supreme Court. Counsel for the Senate have cited none. Therefore, this request is also denied.**

**GERALD W. HEANEY**
**Judge**
**United States Court of Appeals**

**EDWARD J. DEVITT**
**Chief Judge**
**United States District Court**

**EARL R. LARSON**
**Judge**
**United States District Court**

## Minnesota Statutes 1969, §§ 2.021-2.712

### LEGISLATIVE DISTRICTS

**2.021 NUMBER OF MEMBERS.** For each legislature, until a new apportionment shall have been made, the senate is composed of 67 members and the house of representatives is composed of 135 members.

[*Ex1966 c 1 s 1*]

**2.031 APPORTIONMENT.** Subdivision 1. The representatives in the senate and house of representatives are apportioned throughout the state in 67 legislative districts.

Subd. 2. The term "county, town or township, city, village, borough, ward, precinct or election precinct" when used in a description of a district which is apportioned by this act means a geographical area established as such by law and as it existed on the date this act became effective.

[*Ex1966 c 1 s 2*]

**2.041 FIRST DISTRICT.** The first legislative district consists of the counties of Houston and Fillmore and that part of the county of Winona consisting of the towns of Warren, Wilson, Homer, Richmond, Hart, Wiscoy, Pleasant Hill, New Hartford, and Dresbach and the village of Dakota and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

1A. The county of Fillmore is entitled to elect one representative.

1B. That part of the first legislative district not included in paragraph 1A is entitled to elect one representative.

[*Ex1966 c 1 s 3*]

**2.051 SECOND DISTRICT.** The second legislative district consists of the county of Wabasha and that part of Winona county not included in the first legislative district and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

2A. That part of Winona county consisting of the city of Winona, the village of Goodview and the town of Winona is entitled to elect one representative.

2B. That part of the second legislative district not included in paragraph 2A is entitled to elect one representative.

[*Ex1966 c 1 s 4*]

2.061 THIRD DISTRICT. The third legislative district consists of the counties of Steele, Dodge, and that part of Olmsted county consisting of the towns of Farmington, Oronoco, New Haven, Kalmar, Salem, Rock Dell, High Forest, Pleasant Grove, Orion, Elmira, Dover and Quincy and the villages of Byron, Stewartville and Dover, and that part of the village of Chatfield in Olmsted county and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

3A. The county of Steele is entitled to elect one representative.

3B. That part of the third legislative district not included in paragraph 3A is entitled to elect one representative.

[*Ex1966 c 1 s 5*]

2.072 FOURTH DISTRICT. The fourth legislative district is composed of that part of Olmsted county consisting of the city of Rochester, the village of Eyota and the towns of Cascade, Haverhill, Viola, Eyota, Marion and Rochester and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 6*]

2.081 FIFTH DISTRICT. The fifth legislative district consists of the county of Mower and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

5A. The city of Austin, except the third precinct of the second ward, is entitled to elect one representative.

5B. That part of the fifth legislative district not included in paragraph 5A is entitled to elect one representative.

[*Ex1966 c 1 s 7*]

2.091 SIXTH DISTRICT. The sixth legislative district consists of Goodhue county and that part of Dakota county not included in the twelfth legislative district and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

6A. That part of the sixth legislative district in Dakota county and that part of Goodhue county consisting of the city of Cannon Falls and the towns of Stanton, Cannon Falls, Vasa and Welch is entitled to elect one representative.

6B. That part of the sixth legislative district not included in paragraph 6A is entitled to elect one representative.

[*Ex1966 c 1 s 8*]

2.101 SEVENTH DISTRICT. The seventh legislative district consists of the county of Rice and that part of Le Sueur county not included in the fourteenth legislative district and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

7A. That part of Rice county consisting of the towns of Northfield, Wheeling and Cannon City, the cities of Northfield and Faribault, the village of Nerstrand and that part of the village of Dennison in Rice county is entitled to elect one representative.

7B. That part of the seventh legislative district not included in paragraph 7A is entitled to elect one representative.

[*Ex1966 c 1 s 9*]

2.111 EIGHTH DISTRICT. The eighth legislative district consists of the county of Washington, and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 10*]

**2.121 NINTH DISTRICT.** The ninth legislative district consists of Waseca county and Freeborn county and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

9A. That part of Freeborn county consisting of the towns of Newry, Moscow, Oakland, London, Shell Rock, Hayward, Riceland, and Albert Lea, the city of Albert Lea, and the villages of Hollandale, Hayward, Glenville and Myrtle is entitled to elect one representative.

9B. That part of the ninth legislative district not included in paragraph 9A is entitled to elect one representative.

*[Ex1966 c 1 s 11]*

**2.131 TENTH DISTRICT.** The tenth legislative district consists of the counties of Faribault and Martin, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

10A. The county of Faribault is entitled to elect one representative.

10B. The county of Martin is entitled to elect one representative.

*[Ex1966 c 1 s 12]*

**2.141 ELEVENTH DISTRICT.** The eleventh legislative district consists of the county of Blue Earth, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

11A. The city of Mankato, except the sixteenth precinct, is entitled to elect one representative.

11B. That part of Blue Earth county not included in paragraph 11A is entitled to elect one representative.

*[Ex1966 c 1 s 13]*

**2.151 TWELFTH DISTRICT.** The twelfth legislative district consists of that part of Dakota county consisting of the towns of Eagan, Lebanon, and Rosemount; the villages of Burnsville, Inver Grove Heights, Sunfish Lake, Mendota Heights, Mendota, Lilydale and Rosemount; and the cities of West St. Paul and South St. Paul and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

12A. That part of Dakota county consisting of the city of South St. Paul and the village of Inver Grove Heights is entitled to elect one representative.

12B. That part of the twelfth legislative district not included in paragraph 12A is entitled to elect one representative.

[*Ex1966 c 1 s 14*]

**2.161 THIRTEENTH DISTRICT.** The thirteenth legislative district consists of that part of Wright county not included in legislative district sixteen and that part of Hennepin county consisting of the towns of Hassan, Champlin, and Dayton, and the villages of Rogers, Champlin, Greenfield, Corcoran, Maple Grove, Osseo, Brooklyn Park, Independence, Maple Plain, Loretto, Medina, Minnetrista, St. Bonifacius, and those parts of the villages of Rockford, Dayton and Hanover lying in Hennepin county and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

13A. That part of the thirteenth legislative district lying in Hennepin county is entitled to elect one representative.

13B. That part of the thirteenth legislative district not included in paragraph 13A is entitled to elect one representative.

[*Ex1966 c 1 s 15*]

**2.171 FOURTEENTH DISTRICT.** The fourteenth legislative district consists of the counties of Carver, Scott, and that part of LeSueur county consisting of the towns of Tyrone, Derrynane, Lanesburgh, and Montgomery; the village of Heidelberg, and the cities of LeSueur, Montgomery, and that part of the city of New Prague in LeSueur county, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

14A. The county of Carver and that part of the county of Scott consisting of the towns of Jackson and Louisville and the city of Shakopee is entitled to elect one representative.

14B. That part of the fourteenth legislative district not included in paragraph 14A is entitled to elect one representative.

[*Ex1966 c 1 s 16*]

**2.181 FIFTEENTH DISTRICT.** The fifteenth legislative district consists of the counties of Nicollet, McLeod, and Sibley, and is entitled to elect one senator and three representatives..

The representative districts are divided as follows:

15A. The county of McLeod, except the towns of Penn and Round Grove, and the village of Stewart is entitled to elect one representatve.

15B. The county of Sibley, and that part of the county of McLeod consisting of the towns of Penn and Round Grove, and the village of Stewart, and that part of the county of Nicollet consisting of the towns of Lafayette, West Newton and Ridgley, and the village of Lafayette is entitled to elect one representative.

15C. That part of the county of Nicollet not included in paragraph 15B is entitled to elect one representative.

[*Ex1966 c 1 s 17*]

**2.191 SIXTEENTH DISTRICT.** The sixteenth legislative district consists of the counties of Renville, Meeker and that part of Wright county consisting of the towns of Southside, French Lake, Cokato and Stockholm, and the villages of Cokato and South Haven and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

16A. The county of Renville is entitled to elect one representative.

16B. That part of the sixteenth legislative district not included in paragraph 16A is entitled to elect one representative.

[*Ex1966 c 1 s 18*]

**2.201 SEVENTEENTH DISTRICT.** The seventeenth legislative district consists of the counties of Brown and Redwood, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

17A. The county of Redwood and that part of the county of Brown consisting of the towns of Eden and Prairieville and the villages of Cobden and Evan is entitled to elect one representative.

17B. That part of the county of Brown not included in paragraph 17A is entitled to elect one representative.

[*Ex1966 c 1 s 19*]

**2.211 EIGHTEENTH DISTRICT.** The eighteenth legislative district consists of the counties of Cottonwood, Jackson and Watonwan, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

18A. The county of Jackson, and that part of the county of Cottonwood consisting of the towns of Great Bend, Lake-

side and Mountain Lake, the city of Windom, and the villages of Bingham Lake and Mountain Lake is entitled to elect one representative.

18B. The county of Watonwan, and that part of the county of Cottonwood not included in paragraph 18A is entitled to elect one representative.

[*Ex1966 c 1 s 20*]

2.221 NINETEENTH DISTRICT. The nineteenth legislative district consists of the counties of Murray, Nobles, and Rock and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

19A. The county of Nobles is entitled to elect one representative.

19B. The counties of Rock and Murray are entitled to elect one representative.

[*Ex1966 c 1 s 21*]

2.231 TWENTIETH DISTRICT. The twentieth legislative district consists of the counties of Lincoln, Lyon, and Pipestone, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

20A. The counties of Pipestone and Lincoln are entitled to elect one representative.

20B. The county of Lyon is entitled to elect one representative.

[*Ex1966 c 1 s 22*]

2.241 TWENTY-FIRST DISTRICT. The twenty-first legislative district consists of the counties of Chisago and Isanti, and that part of the county of Anoka consisting of the towns of Columbus, Linwood, Ham Lake, Grow, Oak Grove, Burns, and Ramsey, and the villages of St. Francis, East Bethel,

Bethel, city of Anoka and that part of the city of Coon Rapids situated west of a line commencing at the north city limits and the center line of Hanson Boulevard, extending southerly on Hanson Boulevard and Hanson Boulevard extended to the main channel of the Mississippi River, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

21A. That part of the county of Anoka included in this section is entitled to elect one representative.

21B. The counties of Chisago and Isanti are entitled to elect one representative.

*[Ex1966 c 1 s 23; 1967 c264 s 1]*

2.251 **TWENTY-SECOND DISTRICT.** The twenty-second legislative district consists of the counties of Chippewa, Yellow Medicine and Lac qui Parle and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

22A. The county of Chippewa and that part of Lac qui Parle county consisting of the towns of Hantho, Lac qui Parle, Camp Release, Ten Mile Lake, Baxter, Cerro Gordo, and Lake Shore, the villages of Louisburg and Boyd, and that part of the city of Granite Falls in Yellow Medicine county is entitled to elect one representative.

22B. That part of the twenty-second legislative district not included in paragraph 22A is entitled to elect one representative.

*[Ex1966 c 1 s 24]*

2.261 **TWENTY-THIRD DISTRICT.** The twenty-third legislative district consists of the counties of Kandiyohi and Swift and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

23A. The county of Swift and that part of the county of Kandiyohi consisting of the towns of Norway Lake, Arctander, Mamre, Colfax, Lake Andrew, Dovre, Burbank and Roseville, and the villages of Regal and Sunberg is entitled to elect one representative.

23B. That part of the county of Kandiyohi not included in paragraph 23A is entitled to elect one representative.

[*Ex1966 c 1 s 25*]

2.271 TWENTY-FOURTH DISTRICT. The twenty-fourth legislative district consists of the counties of Big Stone, Grant, Pope, Traverse, and Stevens, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

24A. The counties of Pope and Stevens are entitled to elect one representative.

24B. The counties of Big Stone, Grant, and Traverse are entitled to elect one representative.

[*Ex1966 c 1 s 26*]

2.281 TWENTY-FIFTH DISTRICT. The twenty-fifth legislative district consists of the counties of Pine, Kanabec, Mille Lacs, and Sherburne, except the city of St. Cloud, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

25A. The counties of Pine and Kanabec are entitled to elect one representative.

25B. That part of the twenty-fifth legislative district not included in paragraph 25A is entitled to elect one representative.

[*Ex1966 c 1 s 27*]

2.291 TWENTY-SIXTH DISTRICT. The twenty-sixth legislative district consists of the county of Stearns except the city of St. Cloud, the towns of LeSauk and Brockway, the vil-

lage of St. Stephens and that part of the village of Sartell in the county of Stearns and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

26A. That part of the county of Stearns consisting of the towns of Eden Lake, Luxemburg, Maine Prairie, Fairhaven, Lynden, St. Augusta, Rockville, Wakefield, Munson, Farming, Collegeville, St. Joseph, St. Cloud, and St. Wendel, the villages of Kimball Prairie, Rockville, Cold Spring, Richmond, Roscoe, Pleasant Lake, St. Joseph, Waite Park, and that part of the village of Eden Valley in the county of Stearns is entitled to elect one representative.

26B. That part of the twenty-sixth legislative district not included in paragraph 26A is entitled to elect one representative.

[*Ex1966 c 1 s 28*]

2.301 TWENTY-SEVENTH DISTRICT. The twenty-seventh legislative district consists of the city of Bloomington in Hennepin county and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

27A. That part of the city of Bloomington consisting of precincts 4, 5, 7, 8, 10, and 11 is entitled to elect one representative.

27B. That part of the city of Bloomington consisting of precincts 1, 2, 3, 6, 9, 12, 13, and 14 is entitled to elect one representative.

[*Ex1966 c 1 s 29*]

2.311 TWENTY-EIGHTH DISTRICT. The twenty-eighth legislative district consists of that part of the county of Hennepin consisting of the village of Richfield and the eighth precinct of the village of Edina, the Fort Snelling Reservation and any part of the area included in the Minneapolis-St. Paul

International airport not a part of an incorporated municipality, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

28A. Precinct 8 of the village of Edina, and that part of the village of Richfield lying west of the following described line: Commencing at the northerly boundary of the village of Richfield at its intersection with the railway tracks of the Minneapolis, Northfield, and Southern railway, then southerly along the railway right of way to 70th Street, thence easterly along 70th Street to Blaisdell Avenue, thence southerly along Blaisdell Avenue extended and Blaisdell Avenue and Blaisdell Avenue extended to 78th Street, or Highway No. 494, the southerly boundary of the village of Richfield; and is entitled to elect one representative.

28B. That part of the 28th legislative district not included in paragraph 28A is entitled to elect one representative.

[*Ex1966 c 1 s 30*]

2.321 TWENTY-NINTH DISTRICT. The twenty-ninth legislative district consists of that part of the county of Hennepin consisting of the village of Eden Prairie, the village of Edina except precinct 8, the village of Morningside, that part of the village of Minnetonka consisting of precincts 4, 5, 6 and 7, any part of the village of Chanhassen in Hennepin county, and the city of Hopkins and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

29A. The village of Morningside and the village of Edina except precinct eight is entitled to elect one representative.

29B. That part of the twenty-ninth legislative district not included in paragraph 29A is entitled to elect one representative.

[*Ex1966 c 1 s 31*]

2.331 THIRTIETH DISTRICT. The thirtieth legislative district consists of that part of the county of Hennepin consisting of the city of St. Louis Park and that part of the city of Golden Valley south of Trunk Highway 55 and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

30A. That part of the village of Golden Valley south of Trunk Highway 55 and ward 1, and precincts 1, 2, 4 and 5 of ward 4 of the city of St. Louis Park is entitled to elect one representative.

30B. That part of the thirtieth legislative district not included in paragraph 30A is entitled to elect one representative.

[*Ex1966 c 1 s 32*]

2.341 THIRTY-FIRST DISTRICT. The thirty-first legislative district consists of that part of the county of Hennepin consisting of the cities of Robbinsdale and Crystal and that part of the village of Golden Valley lying north of Trunk Highway 55 and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

31A. The city of Crystal is entitled to elect one representative.

31B. That part of the thirty-first legislative district not included in paragraph 31A is entitled to elect one representative.

[*Ex1966 c 1 s 33*]

2.351 THIRTY-SECOND DISTRICT. The thirty-second legislative district consists of that part of the county of Hennepin consisting of the village of Brooklyn Center, that part of the county of Anoka consisting of the city of Columbia Heights, the village of Hilltop, and precinct 3 of ward 3 of the city of Fridley, and that part of the counties of Hennepin and

Ramsey consisting of the village of St. Anthony and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

32A. The village of Brooklyn Center is entitled to elect one representative.

32B. That part of the thirty-second legislative district not included in paragraph 32A is entitled to elect one representative.

[*Ex1966 c s 34*]

2.361 THIRTY-THIRD DISTRICT. The thirty-third legislative district consists of that part of the county of Hennepin consisting of the cities of Wayzata and Minnetonka Beach, the villages of Mound, Spring Park, Orono, Long Lake, Tonka Bay, Shorewood, Excelsior, Greenwood, Deephaven, Woodland, Plymouth, Medicine Lake, New Hope and that part of the village of Minnetonka consisting of precincts 1, 2, and 3 and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

33A. The villages of New Hope, Plymouth, Medicine Lake, that part of the village of Minnetonka consisting of precincts 1, 2, and 3 is entitled to elect one representative.

33B. That part of the thirty-third legislative district not included in paragraph 33A is entitled to elect one representative.

[*Ex1966 c 1 s 35*]

2.371 THIRTY-FOURTH DISTRICT. The thirty-fourth legislative district consists of that part of the city of Minneapolis consisting of precincts 11 through 14 of the second ward, precinct 14 of the ninth ward, precincts 1 through 16 of the twelfth ward, and precinct 12 of the eleventh ward and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 36*]

**2.381 THIRTY-FIFTH DISTRICT.** The thirty-fifth legislaitve district consists of that part of the city of Minneapolis consisting of precincts 8 through 16 of the eighth ward, precincts 10 through 12 of the ninth ward, and precincts 2 through 5, 7 through 11, and precincts 14, 15, and 16 of the eleventh ward, and is entitled to elect one senator and two representatives.

*[Ex1966 c 1 s 37]*

**2.391 THIRTY-SIXTH DISTRICT.** The thirty-sixth legislative district consists of that part of the city of Minneapolis consisting of precincts 7, 10 and 13 through 16 of the seventh ward, precincts 4 through 7 of the eighth ward, precincts 1 through 11 of the tenth ward, and precincts 1 and 2 of the thirteenth ward, and is entitled to elect one senator and two representatives.

*[Ex1966 c 1 s 38]*

**2.401 THIRTY-SEVENTH DISTRICT.** The thirty-seventh legislative district consists of that part of the city of Minneapolis consisting of precincts 12 through 15 of the tenth ward, precincts 1, 6 and 13 of the eleventh ward, and precincts 3 through 18 of the thirteenth ward, and is entitled to elect one senator and two representatives.

*[Ex1966 c 1 s 39]*

**2.411 THIRTY-EIGHTH DISTRICT.** The thirty-eighth legislative district consists of that part of the city of Minneapolis consisting of precincts 10 through 12 of the fifth ward, precincts 1, 2, 5, 6, 7, 16, and 18 of the sixth ward, precincts 1 through 6, 8, 9, 11, and 12 of the seventh ward, and precincts 1 through 3 of the eighth ward, and is entitled to elect one senator and two representatives.

*[Ex1966 c 1 s 40]*

**2.421 THIRTY-NINTH DISTRICT.** The thirty-ninth legislative district consists of that part of the city of Minneapolis consisting of precincts 1, 2, 3, 4, 5, 7, 8, 9, 11, 12 and 13 of the fourth ward, and precincts 1 through 8 of the fifth ward, and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 41*]

**2.431 FORTIETH DISTRICT.** The fortieth legislative district consists of that part of the city of Minneapolis consisting of precincts 1 and 4 of the first ward, precincts 1 through 14 of the third ward, precincts 6 and 10 of the fourth ward, and precinct 9 of the fifth ward, and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 42*]

**2.441 FORTY-FIRST DISTRICT.** The forty-first legislative district consists of that part of the city of Minneapolis consisting of precincts 2, 3, and 5 through 11 of the first ward, and precincts 1 through 9 of the second ward, and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 43*]

**2.451 FORTY-SECOND DISTRICT.** The forty-second legislative district consists of that part of the city of Minneapolis consisting of precinct 10 of the second ward, precincts 3, 4, 8 through 15, 17, 19, and 20 of the sixth ward, and precincts 1 through 9 and 13 of the ninth ward, and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 44*]

**2.461 FORTY-THIRD DISTRICT.** The forty-third legislative district consists of that part of the city of St. Paul described as follows: Commencing at the intersection of the east city limits and the center line of East Minnehaha Avenue, extending westerly along the center line of East Minnehaha Avenue to the center line of Earl Street, extending northerly

along the center line of Earl Street to the Northern Pacific Railway right of way, extending westerly and southwesterly along the Northern Pacific Railway right of way and the Northern Pacific Railway right of way extended, to the main channel of the Mississippi River, extending southwesterly along the main channel of the Mississippi River to the point of its intersection with the center line of Eagle Street extended, extending northwesterly along the center line of Eagle Street extended and Eagle Street to the center line of Kellogg Boulevard, extending northwesterly along the center line of Kellogg Boulevard to the center line of the Irvine Avenue, extending southwesterly along the center line of Irvine Avenue to the center line of Western Avenue, extending southerly along the center line of Western Avenue and Western Avenue extended to the main channel of the Mississippi River, extending southwesterly along the main channel of the Mississippi River to Annapolis Street extended, extending easterly along the center line of Annapolis Street extended and the south city limits, and the south city limits extended to the main channel of the Mississippi River, extending southerly along the main channel of the Mississippi River to the south Ramsey County line, extending easterly along the south Ramsey County line to the east city limits of the city of St. Paul, extending northerly along the east city limits to the point of beginning, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

43A. That portion of the forty-third legislative district situated west of a line commencing at the easterly extension of Annapolis Street and the main channel of the Mississippi River, and extending northerly and northwesterly along the main channel of the Mississippi River to the Northern Pacific

Railway right of way extended is entitled to elect one representative.

43B. That portion of the forty-third legislative district not included in paragraph 43A is entitled to elect one representative.

[*Ex1966 c 1 s 45*]

**2.471 FORTY-FOURTH DISTRICT.** The forty-fourth legislative district consists of that part of the city of St. Paul described as follows: Commencing at the intersection of the north city limits and the center line of Mississippi Street, extending southerly along the center line of Mississippi Street to the center line of East Minnehaha Avenue extended, extending easterly along the center line of East Minnehaha Avenue extended, and East Minnehaha Avenue to the Northern Pacific Railway right of way, extending northerly and easterly along the Northern Pacific Railway right of way to the center line of Earl Street, extending southerly along the center line of Earl Street to the center line of East Minnehaha Avenue, extending easterly along the center line of East Minnehaha Avenue to the city limits, extending northerly along the east city limits to the north city limits, extending westerly along the north city limits to the point of beginning, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

44A. That portion of the forty-fourth legislative district situated west of a line commencing at the intersection of the Northern Pacific Railway right of way and the center line of Earl Street, and extending northerly along the Northern Pacific Railway right of way to the center line of East Arlington Avenue, extending westerly along the center line of East Arlington Avenue to the center line of East Shore Drive, and extending northerly along the center line of East Shore Drive

to the north city limits is entitled to elect one representative.

44B. That portion of the forty-fourth legislative district not included in paragraph 44A is entitled to elect one representative.

[*Ex1966 c 1 s 46*]

2.481 **FORTY-FIFTH DISTRICT.** The forty-fifth legislative district consists of that portion of the city of St. Paul described as follows: commencing at the intersection of the north city limits and the center line of Mississippi Street, extending southerly along the center line of Mississippi Street to the center line of East Minnehaha Avenue extended, extending easterly along the center line of East Minnehaha Avenue extended and East Minnehaha Avenue to the Northern Pacific Railway right of way, extending southerly along the Northern Pacific Railway right of way and the Northern Pacific Railway right of way extended to the main channel of the Mississippi River, extending southwesterly along the main channel of the Mississippi River to the center line of Eagle Street extended, extending northwesterly along the center line of Eagle Street extended and Eagle Street to the center line of Kellogg Boulevard, extending northwesterly along the center line of Kellogg Boulevard to the center line of Irvine Avenue, extending southwesterly along the center line of Irvine Avenue to the center line of Western Avenue, extending northerly along the center line of Western Avenue to the center line of St. Anthony Avenue, extending westerly along the center line of St. Anthony Avenue to the center line of Mackubin Street, extending northerly along the center line of Mackubin Street to the center line of West Minnehaha Avenue, extending westerly along the center line of West Minnehaha Avenue to the center line of North Albert Street, extending northerly along the center line of North Albert Street to the center line of De-

Courcy Drive, extending easterly along the center line of DeCourcy Drive to the center line of Lexington Parkway, extending northerly along the center line of Lexington Parkway to the Northern Pacific Railway right of way, extending easterly along the Northern Pacific Railway right of way to the center line of Como Place, extending northerly along the center line of Como Place and Como Place extended to the center line of East Como Boulevard extending northerly along the center line of East Como Boulevard to the center line of North Victoria Street, extending northerly along the center line of North Victoria Street to the north city limits, extending easterly along the north city limits to the point of beginning, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

45A. That portion of the forty-fifth legislative district situated north and west of a line commencing at the intersection of the center lines of Mississippi Street and West Magnolia Avenue and extending westerly along the center line of West Magnolia Avenue to the center line of Rice Street, extending southerly along the center line of Rice Street to the center line of West Minnehaha Avenue extended, extending westerly along the center line of West Minnehaha Avenue extended and West Minnehaha Avenue to the center line of Mackubin Street is entitled to elect one representative.

45B. That portion of the forty-fifth legislative district not included in paragraph 45A is entitled to elect one representative.

*[Ex1966 c 1 s 47]*

**2.491 FORTY-SIXTH DISTRICT.** The forty-sixth legislative district consists of that part of the city of St. Paul described as follows: Commencing at the intersection of Inter-

state Highway 35E and the main channel of the Mississippi River and extending northerly along the center line of Interstate Highway 35E to the center line of Milton Street, extending northerly along the center line of Milton Street to the center line of Hague Avenue, extending westerly along the center line of Hague Avenue to the center line of North Albert Street, extending northerly along the center line of North Albert Street, North Albert Street extended, and North Albert Street to the center line of West Minnehaha Avenue, extending easterly along the center line of West Minnehaha Avenue to the center line of Mackubin Street, extending southerly along the center line of Mackubin Street to the center line of St. Anthony Avenue, extending easterly along the center line of St. Anthony Avenue to the center line of Western Avenue, extending southerly along the center line of Western Avenue and Western Avenue extended, to the main channel of the Mississippi River, extending southwesterly along the main channel of the Mississippi River to the point of beginning, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

46A. That portion of the forty-sixth legislative district situated south of a line commencing at the intersection of the center lines of Milton Street and Hague Avenue, extending northerly along the center line of Milton Street to the center line of Dayton Avenue, and extending easterly along the center line of Dayton Avenue to the center line of Western Avenue is entitled to elect one representative.

46B. That portion of the forty-sixth legislative district not included in paragraph 46A is entitled to elect one representative.

[*Ex1966 c 1 s 48*]

**2.501 FORTY-SEVENTH DISTRICT.** The forty-seventh legislative district consists of that part of the city of St. Paul described as follows: Commencing at the intersection of the main channel of the Mississippi River and the center line of Interstate Highway 35E and extending northerly along the center line of Interstate Highway 35E to the center line of Milton Street, extending northerly along the center line of Milton Street to the center line of Hague Avenue, extending westerly along the center line of Hague Avenue to the center line of Snelling Avenue, extending southerly along the center line of Snelling Avenue to the center line of St. Clair Avenue, extending westerly along the center line of St. Clair Avenue and St. Clair Avenue extended to the main channel of the Mississippi River, extending southerly and easterly along the main channel of the Mississippi River to the point of beginning, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

47A. That portion of the forty-seventh legislative district situated west of a line commencing at the intersection of the center lines of Snelling Avenue and St. Clair Avenue and extending southerly along the center line of Snelling Avenue to the center line of Montreal Avenue, extending westerly along the center line of Montreal Avenue to the center line of Davern Street, and extending southerly along the center line of Davern Street and Davern Street extended to the main channel of the Mississippi River is entitled to elect one representative.

47B. That portion of the forty-seventh legislative district not included in paragraph 47A is entitled to elect one representative.

*[Ex1966 c 1 s 49]*

**2.511 FORTY-EIGHTH DISTRICT.** The forty-eighth legislative district consists of that part of the city of St. Paul described as follows: Commencing at the intersection of the main channel of the Mississippi River and St. Clair Avenue extended, extending easterly along the center line of St. Clair Avenue extended and St. Clair Avenue to the center line of Snelling Avenue, extending northerly along the center line of Snelling Avenue to the center line of Hague Avenue, extending easterly along the center line of Hague Avenue to the center line of North Albert Street, extending northerly along the center line of North Albert Street, North Albert Street extended and North Albert Street to the center line of DeCourcy Drive, extending easterly along the center line of DeCourcy Drive to the center line of Lexington Parkway, extending northerly along the center line of Lexington Parkway to the Northern Pacific Railway right of way, extending easterly along the Northern Pacific Railway right of way to the center line of Como Place, extending northerly along the center line of Como Place and Como Place extended to the center line of East Como Boulevard, extending northerly along the center line of East Como Boulevard to the center line of North Victoria Street, extending northerly along the center line of North Victoria Street to the north city limits, extending westerly along the north city limits to the west city limits, extending southerly along the west city limits to the point of beginning and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

48A. That portion of the forty-eighth legislative district situated north of a line commencing at the west city limits and the center line of University Avenue, and extending southeasterly and easterly to the center line of North Albert Street is entitled to elect one representative.

48B. That portion of the forty-eighth legislative district not included in paragraph 48A is entitled to elect one representative.

[*Ex1966 c 1 s 50*]

2.521 FORTY-NINTH DISTRICT. The forty-ninth legislative district consists of that part of the county of Ramsey consisting of the villages of Falcon Heights, Lauderdale, Roseville, Arden Hills, New Brighton, and Shoreview, and any unorganized territory surrounded by Shoreview, Arden Hills, New Brighton, and Mounds View, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

49A. The villages of Arden Hills, New Brighton, and Shoreview, any unorganized territory surrounded by Shoreview, Arden Hills, New Brighton, and Mounds View, and that part of the village of Roseville lying west of the center line of Lexington Avenue and north of the center line of State Highway 36 is entitled to elect one representative.

49B. That part of the forty-ninth legislative district not included in paragraph 49A is entitled to elect one representative.

[*Ex1966 c 1 s 51*]

2.531 FIFTIETH DISTRICT. The fiftieth legislative district consists of that part of the county of Ramsey consisting of the villages of North St. Paul, Maplewood, Gem Lake, Little Canada, North Oaks, and Vadnais Heights, the city of White Bear Lake and the town of White Bear, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

50A. The villages of North St. Paul and Maplewood is entitled to elect one representative.

50B. That part of the fiftieth legislative district not included in paragraph 50A is entitled to elect one representative.

[*Ex1966 c 1 s 52*]

**2.541 FIFTY-FIRST DISTRICT.** The fifty-first legislative district consists of the county of Benton, that part of the city of St. Cloud located in Sherburne county, and that part of Stearns county consisting of the city of St. Cloud, the towns of Le Sauk and Brockway, the village of St. Stephens, and that part of the village of Sartell located in Stearns county, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

51A. That part of the city of St. Cloud located in Stearns county is entitled to elect one representative.

51B. That part of the fifty-first legislative district not included in paragraph 51A is entitled to elect one representative.

*[Ex1966 c 1 s 53]*

**2.551 FIFTY-SECOND DISTRICT.** The fifty-second legislative district consists of the counties of Aitkin and Carlton and that part of Crow Wing county consisting of the towns of Little Pine, Ross Lake, Dean Lake, Rabbit Lake, Deerwood, Bay Lake, Nokay Lake, Irondale, Wolford, Perry Lake and Fairfield, and the villages of Emily, Deerwood, Cuyuna, Riverton, Ironton, Trommald, and Crosby and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

52A. The county of Aitkin, that part of Crow Wing county included in the district and that part of Carlton county consisting of the towns of Beseman, Lakeview, Automba, Split Rock, Kalevala, Silver, Skelton and Atkinson and the unorganized territory north of the towns of Automba, Kalevala, Skelton and Aitkinson and the villages of Kettle River, Cromwell, and Wright is entitled to elect one representative.

52B. That part of the fifty-second legislative district not included in paragraph 52A is entitled to elect one representative.

[*Ex1966 c 1 s 54*]

**2.561 FIFTY-THIRD DISTRICT.** The fifty-third legislative district consists of Morrison county and that part of Crow Wing county not included in the fifty-second legislative district and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

53A. The county of Morrison is entitled to elect one representative.

53B. That part of the fifty-third legislative district not included in paragraph 53A is entitled to elect one representative.

[*Ex1966 c 1 s 55*]

**2.571 FIFTY-FOURTH DISTRICT.** The fifty-fourth legislative district consists of the counties of Douglas, Todd, and Wadena, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

54A. The county of Douglas and that part of Todd county consisting of the towns of Wykeham, Burleen, Leslie, Gordon, West Union, Kandota, Little Sauk, Reynolds, Iona, Eagle Valley, and Birchdale, and the villages of West Union, Clarissa, Eagle Bend, and that part of the village of Osakis in Todd county is entitled to elect one representative.

54B. That part of the fifty-fourth legislative district not included in paragraph 54A is entitled to elect one representative.

[*Ex1966 c 1 s 56*]

**2.581 FIFTY-FIFTH DISTRICT.** The fifty-fifth legislative district consists of the county of Otter Tail, and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 57*]

**2.591 FIFTY-SIXTH DISTRICT.** The fifty-sixth legislative district consists of the counties of Clay and Wilkin, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

56A. That part of the county of Clay consisting of the towns of Oakport and Moorhead, the city of Moorhead, and the village of Dilworth is entitled to elect one representative.

56B. The county of Wilkin, and that part of the county of Clay not included in paragraph 56A is entitled to elect one representative.

[*Ex1966 c 1 s 58*]

**2.601 FIFTY-SEVENTH DISTRICT.** The fifty-seventh legislative district consists of those parts of the counties of Anoka and Ramsey consisting of the city of Fridley except precinct 3 of ward 3, the villages of Spring Lake Park, Mounds View, Lino Lakes, Centerville, Circle Pines, Lexington and the city of Blaine, and that part of the city of Coon Rapids lying east of a line commencing at the north city limits and the center line of Hanson Boulevard, extending southerly along Hanson Boulevard and Hanson Boulevard extended to the main channel of the Mississippi River and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

57A. The city of Fridley except precinct 3 of ward 3, and the villages of Spring Lake Park and Mounds View, and that part of the city of Blaine that is in Ramsey county, is entitled to elect one representative.

57B. That part of the fifty-seventh legislative district not included in paragraph 57A is entitled to elect one representative.

[*Ex1966 c 1 s 59; 1967 c264 s 2*]

2.611 FIFTY-EIGHTH DISTRICT. The fifty-eighth legislative district consists of the counties of Cass and Itasca, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

58A. The county of Cass and all that part of the county of Itasca described as follows: All that part west of the east town line of the town of Spang and the west town line of the towns of Harris, Grand Rapids, Arbo and Wabana, north of the north town lines of the towns of Wabana, Lawrence and Nashwauk is entitled to elect one representative.

58B. That part of the county of Itasca not included in paragraph 58A is entitled to elect one representative.

[*Ex1966 c 1 s 60*]

2.621 FIFTY-NINTH DISTRICT. The fifty-ninth legislative district consists of that part of the county of St. Louis consisting of precincts 47 through 75 of the city of Duluth, the towns of Cotton, Northland, New Independence, Grand Lake, Industrial, Herman, Midway, Solway, Brevator, Stoney Brook, Culver, Alborn, Payne, Meadowlands, Ness, and Arrowhead, and the villages of Brookston, Meadowlands and Proctor, and the unorganized territory known as Township 53, Range 16 is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

59A. That part of the city of Duluth consisting of precincts 47 through 65 is entitled to elect one representative.

59B. That part of the city of Duluth consisting of precincts 66 through 75 and the remainder of the county of St.

Louis included in this section is entitled to elect one representative.

[*Ex1966 c 1 s 61*]

2.631 **SIXTIETH DISTRICT.** The sixtieth legislative district consists of that part of the county of St. Louis consisting of the towns of Fredenberg, Canosia, Rice Lake, and Gnesen; the unorganized territory known as Township 53, Range 15, and Township 54 in Ranges 14 and 15, and that part of the city of Duluth consisting of precinct 9 and precincts 14 through 46 and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 62*]

2.641 **SIXTY-FIRST DISTRICT.** The sixty-first legislative district consists of the counties of Cook and Lake and that part of the county of St. Louis consisting of the towns of Fairbanks, Ault, Alden, Normanna, Lakewood, and Duluth; the unorganized territory known as Township 54, Range 13, and precincts 1 through 8 and 10 through 13 of the city of Duluth and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

61A. The counties of Cook and Lake and that part of the county of St. Louis outside of the city of Duluth included in this legislative district, and that part of the city of Duluth consisting of precincts 6 and 7 is entitled to elect one representative.

61B. That part of the city of Duluth consisting of precincts 1 through 5, 8, and 10 through 13 is entitled to elect one representative.

[*Ex1966 c 1 s 63*]

**2.651 SIXTY-SECOND DISTRICT.** The sixty-second legislative district consists of that portion of the county of St. Louis described as follows: Commencing at the intersection of the north county line and the east county line, extending southerly on the east county line to the northeast corner of the town of Fairbanks, extending westerly on the north town line of the town of Fairbanks to the west town line of the town of Fairbanks, extending southerly on the west town lines of the towns of Fairbanks and Ault to the southwest corner of the town of Ault, extending westerly across the unorganized territory from the southwest corner of the town of Ault to the southeast corner of the town of Ellsburg, extending westerly on the south town line of the town of Ellsburg to the west town line of the town of Ellsburg, extending northerly along the west town line of the town of Ellsburg, and the east town lines of McDavitt, Clinton and Nicholls, and the west town lines of the towns of Wouri and Sandy, and the east town lines of the towns of Angora, Owens, and Beatty, to the south town line of the town of Portage, extending easterly on the south town line of the town of Portage to the east town line of the town of Portage, extending northerly on the east town line of the town of Portage and the east town line of the town of Portage extended to the north county line of the county of St. Louis, extending easterly on the north county line to the point of beginning, and including the city of Eveleth and the village of Leonidas and is entitled to elect one senator and two representatives.

*[Ex1966 c 1 s 64]*

**2.661 SIXTY-THIRD DISTRICT.** The sixty-third legislative district consists of that part of the county of St. Louis situated west and north of the following described line: Commencing at the south county line of the county of St. Louis

and the southeastern corner of the town of Fine Lakes, extending northerly along the east town lines of the towns of Fine Lakes, Floodwood, Van Buren and Elmer to the south town line of Toivola, extending easterly along the south town lines of Toivola and Kelsey to the west town line of the town of Cotton, extending northerly along the west town line of the towns of Cotton and Ellsburg, and the east town lines of McDavitt, Clinton and Nicholls, and the west town lines of the towns of Wouri and Sandy, and the east town lines of the towns of Angora, Owens, and Beatty, to the south town line of the town of Portage, extending easterly on the south town line of the town of Portage to the east town line of the town of Portage, extending northerly on the east town line of the town of Portage and the east town line of the town of Portage extended to the north county line of the county of St. Louis and excluding the city of Eveleth and the village of Leonidas and is entitled to elect one senator and two representatives.

[*Ex1966 c 1 s 65*]

**2.671 SIXTY-FOURTH DISTRICT.** The sixty-fourth legislative district consists of the counties of Lake of the Woods, Koochiching, and Beltrami, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

64A. The county of Beltrami except the towns of Lee, Hamre, Steenerson, Minnie, Spruce Grove, and Benville and the unorganized territory in Beltrami county lying north of the towns described in this paragraph 64A is entitled to elect one representative.

64B. That part of the sixty-fourth legislative district not included in paragraph 64A is entitled to elect one representative.

[*Ex1966 c 1 s 66*]

**2.681 SIXTY-FIFTH DISTRICT.** The sixty-fifth legislative district consists of the counties of Becker, Hubbard, Mahnomen and Clearwater, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

65A. The county of Becker is entitled to elect one representative.

65B. The counties of Hubbard, Mahnomen and Clearwater is entitled to elect one representative.

[*Ex1966 c 1 s 67*]

**2.691 SIXTY-SIXTH DISTRICT.** The sixty-sixth legislative district consists of the counties of Norman, Polk, and Red Lake, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

66A. The county of Norman and that part of the county of Polk consisting of the towns of Johnson, Chester, Gully, Tynsid, Roome, Andover, Fairfax, Kertsonville, Tilden, Grove Park, Badger, Lessor, Hill River, Eden, Vineland, Hammond, Russia, Onstad, Godfrey, Woodside, Knute, King, Brandsvold, Queen, Hubbard, Scandia, Reis, Liberty, Garfield, Garden, Winger, Sletten, Rosebud, and Columbia, and the villages of Trail, Gully, Mentor, Climax, Erskine, McIntosh, Nielsville, Beltrami, Fertile, Winger, Fosston, and Lengby, is entitled to elect one representative.

66B. The county of Red Lake and that part of the county of Polk not included in paragraph 66A is entitled to elect one representative.

[*Ex1966 c 1 s 68*]

**2.701 SIXTY-SEVENTH DISTRICT.** The sixty-seventh legislative district consists of the counties of Pennington, Marshall, Kittson and Roseau, and is entitled to elect one senator and two representatives.

The representative districts are divided as follows:

67A. The county of Kittson and that part of the county of Roseau, consisting of the towns of Blooming Valley, Soler, Barto, Polonia, Dewey, Hereim, Deer, Lind, and the villages of Strathcona and Greenbush, and the unorganized territory north and west of the town of Soler, and that part of the county of Marshall not included in paragraph 67B is entitled to elect one representative.

67B. The county of Pennington, that part of the county of Roseau not included in paragraph 67A, and that part of the county of Marshall, consisting of the towns of Thief Lake, Whiteford, Grand Plain, Moylan, Eckvoll, Rollis, Moose River, Linsell, Veldt, Valley, and Espelie, and the village of Grygla, and the unorganized territory north of the town of Grand Plain is entitled to elect one representative.

[*Ex1966 c.1 s 69*]

2.711 **OMITTED OR DUPLICATED TERRITORY.** Subdivision 1. If there is any territory within the boundaries of this state which is not named in this act but (1) which lies within the boundaries of a representative district or (2) which lies between the boundaries of two or more representative districts, for the purposes of this act the territory referred to in clause (1) is a part of the representative district within which it lies, but the territory referred to in clause (2) is a part of the contiguous representative district having the smallest population.

Subd. 2. If there is any territory within the boundaries of this state which lies within the boundaries of two or more representative districts, such territory is for the purposes of this act a part of the district which has the smallest population.

**Subd. 3. Any territory which becomes a part of a representative district pursuant to subdivisions 1 and 2 is a part of the legislative district of which such representative district is a part.**

***[Ex1966 c 1 s 70]***

**2.712 EFFECTIVE DATE. This act shall apply to members of the legislature elected for any regular session of such legislature occurring after the final enactment of this act.**

***[Ex1966 c 1 s 72]***